

ATTORNEY Bar #(0000)

(Form provided courtesy of Lokken & Assoc.)

FIRM NAME

Attorneys for CLIENT

Street Address

City, State Zip

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Facsimile: (000) 000-0000

IN THE THIRD JUDICIAL DISTRICT JUVENILE COURT

IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

THE STATE OF UTAH, in the
interest of:

)
)
)

MOTION TO COMPEL DISCOVERY

CHILD (00/00/00)

)

Case #

)

)

A person(s) under the age
of eighteen years.

)
)

JUDGE

COMES NOW Respondent, CHILD, through counsel, ATTORNEY, and hereby moves this Court to compel Petitioner to Answer Respondent's First Set of Interrogatories or, in the alternative, to strike Petitioner's pleadings alleging as follows:

1. Pursuant to Rule 33 of the Utah Rules of Civil Procedure (U.R.C.P.), the Respondent served upon Petitioner certain Interrogatories (Petitioner was served on November 19, 2001). (See Exhibit 1: Certificate of Service) On November 29, 2001, Judge JUDGE ordered that all Discovery be submitted by December 20, 2001. (See Exhibit 2: Minutes from December 29,2001) The Petitioner has failed to submit any answer, response or objection to said Interrogatories although the time for doing so has lapsed.

2. Pursuant to Rule 37(a)(2) U.R.C.P., the Court, upon motion and notice, may enter an order requiring the Petitioner, to separately and fully, in writing and under oath, answer the Interrogatories submitted by the Respondent.

3. Pursuant to Rule 37(d) U.R.C.P., the Court, on motion and notice, may strike out pleadings and/or enter a default judgment against that party which failed to serve Answers to Interrogatories after proper service.

4. Petitioner was properly served and has been given more than ample time for responding.

5. Petitioner has not forwarded any excuse for her failure nor has Petitioner made any formal attempts to excuse her non-compliance.

7. Petitioner has had more than ample time to respond or request an extension, but has failed to do so.

WHEREFORE, Respondent respectfully requests that this Court enter an Order:

1. That Petitioner be compelled to Answer separately and in writing within five (5) days the Respondent's First Set of Interrogatories.

2. That, if Petitioner fails to provide to the Respondent within five (5) days, Petitioner's Pleadings shall be stricken and an order granting judgment to the Respondent be entered.

DATED this ____ day of _____, 2001.

ATTORNEY
FIRM
Attorney for Respondent

CERTIFICATE OF MAILING

On this _____ day of _____, 2001 I mailed postage prepaid a true and correct copy of the foregoing Motion to Compel to:

STATE OF UTAH
ATTORNEY GENERAL'S OFFICE

GUARDIAN AD LITEM

3. I represent Courtney Schoening in the above-entitled matter.
4. I served upon Petitioner certain Interrogatories on November 19, 2001.
5. Judge Oddone ordered that all Discovery be submitted by December 20, 2001.
6. The Petitioner has failed to submit any answer, response or objection to said Interrogatories although the time for doing so has lapsed.
7. On the 26th Day of December, 2001, I prepared and filed a Motion to Compel discovery in the above-entitled matter.

DATED this _____ day of December, 2001.

ATTORNEY
FIRM

SUBSCRIBED AND SWORN TO before me this _____ day of December, 2001.

Notary Public

CERTIFICATE OF MAILING

On this _____ day of _____, 2001 I mailed postage prepaid a true and correct copy of the foregoing Affidavit of Sophia Moore to:

STATE OF UTAH
ATTORNEY GENERAL'S OFFICE
ATTN; SHEILA PAGE
P.O. BOX 140833
160 EAST 300 SOUTH, 6TH FLOOR
SALT LAKE CITY, UTAH 84114-0833

GUARDIAN AD LITEM
ATTN: FELIPE RIVERA
450 SOUTH STATE STREET
P.O. BOX 140403
SALT LAKE CITY, UTAH 84114-0403

SOPHIA MOORE Bar #(7944)
LAHERTY & ASSOCIATES, P.C.
Attorneys for COURTNEY SCHOENING
Boston Building, Suite 400
9 East Exchange Place
Salt Lake City, UT 84111
Telephone: (801) 359-8003
Facsimile: (801) 359-0181

IN THE THIRD JUDICIAL DISTRICT JUVENILE COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

THE STATE OF UTAH, in the)	ORDER ON RESPONDENT'S
interest of:)	MOTION TO COMPEL DISCOVERY
)	
SCHOENING, Ian (3/29/90))	Case # 920582
)	
)	
)	
)	
)	
)	
A person(s) under the age)	JUDGE ODDONE
of eighteen years.)	

Based upon the foregoing Motion to Compel, and for good cause otherwise appearing:

IT IS HEREBY ORDERED:

1. That Petitioner be compelled to Answer separately and in writing within five (5) days the Respondent's First Set of Interrogatories.
2. That, if Petitioner fails to provide to the Respondent within five (5) days, Petitioner's

Pleadings shall be stricken and an order granting judgment to the Respondent be entered.

DATED this ____ day of _____, 2001.

Honorable Frederic M. Oddone
Third District Juvenile Judge

CERTIFICATE OF MAILING

On this _____ day of _____, 2001, I deposited via United States Mail
a true and correct copy of the foregoing Order on Motion To Compel to:

STATE OF UTAH
ATTORNEY GENERAL'S OFFICE
ATTN; SHEILA PAGE
P.O. BOX 140833
160 EAST 300 SOUTH, 6TH FLOOR
SALT LAKE CITY, UTAH 84114-0833

GUARDIAN AD LITEM
ATTN: FELIPE RIVERA
450 SOUTH STATE STREET
P.O. BOX 140403
SALT LAKE CITY, UTAH 84114-0403
